

OCT 10 2002 10:55 FR UPRR

312 853 8465 TO 912025659002

P.02/06

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2085

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040

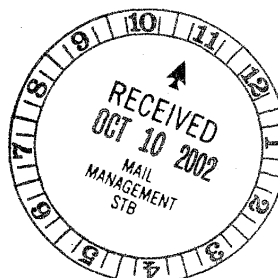


GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

October 10, 2002

VIA U.P.S. Overnight

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001



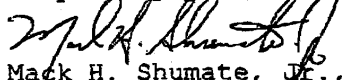
Re: Docket No. AB-33 (Sub-No. 126X) - Union Pacific Railroad Company - Abandonment Exemption - in Jefferson County, WI; Clyman Branch (Line Near Fort Atkinson) in Jefferson County, Wisconsin

Dear Mr. Williams:

The Union Pacific Railroad Company ("UP") has received a request from the Wisconsin Department of Transportation dated October 1, 2002 on behalf of the City of Fort Atkinson for a 180-day extension in which to complete negotiations for the acquisition of that portion of the UP's right-of-way in Jefferson County, Wisconsin between milepost 110.00 and 112.0 for an interim recreational trail. The UP is willing to continue to negotiate with the City of Fort Atkinson concerning the acquisition of the subject property for interim recreational trail and supports the City of Fort Atkinson's request for an extension of the negotiation period for 180 days commencing October 18, 2002. A copy of the City of Fort Atkinson's request is attached hereto as Exhibit A and hereby made a part hereof.

Enclosed with this original are ten (10) copies of this filing for use by the Board.

Very truly yours,


Mack H. Shumate, Jr.,
Senior General Attorney

Enclosure

cc: City of Fort Atkinson
Ann Newman <Via Facsimile>

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ENTERED
Office of Proceedings

OCT 10 2002

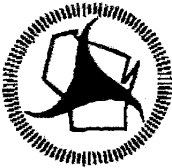
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10/01/02 09:03 WI DOT GEN. COUNSEL 7 312 833 8463

312 853 8465 TO 912025659002

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NO.831 P002/003

EXHIBIT "A"



Wisconsin Department of Transportation
www.dot.state.wi.us

Scott McCallum
Governor

Thomas E. Carlson, P.E.
Acting Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
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October 1, 2002

Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board, Room 1324
1925 K Street, N.W.
Washington, D.C. 20423-0001

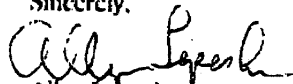
RE: **STB Docket No. AB-83 (Sub-No. 126X) Union Pacific Railroad Company—Abandonment Exemption—In Jefferson County, WI—Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use**

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the City of Fort Atkinson's Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return mail envelope for verification of receipt. Thank you.

Sincerely,


Allyn Lepeska
Attorney

AJL/dim

Enclosures

pc: Vicki Schaefer
John Wilmet
Mack H. Shumate, Jr. (via fax 312-777-2065)
Mike Rewey

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**AB-33 (SUB-NO. 126X)
UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION --
IN JEFFERSON COUNTY, WISCONSIN**

**THE CITY OF FORT ATKINSON REQUEST FOR AN EXTENSION
OF NOTICE OF INTERIM TRAIL USE**

BACKGROUND

On September 18, 1998, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 C.F.R. § 1152, Subpart F -- Exempt Abandonments and Discontinuance of Service and Trackage Rights, for an exempt abandonment and discontinuance of operations over a line of railroad known as the Clyman Branch, extending from the end of the line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI. The line traverses through U.S. Postal Service ZIP code 53538.

On July 28, 1998, the City of Fort Atkinson (City) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of UP railroad line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI.

On October 13, 1998, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the

City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on November 5, 1998, allowing the City until May 7, 1999 to negotiate a rail banking agreement with UP.

On April 7, 1999, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 30, 1999, allowing the City until November 3, 1999 to negotiate a rail banking agreement with UP.

On October 7, 1999, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 21, 1999, allowing the City until May 1, 2000 to negotiate a rail banking agreement with UP.

On June 29, 2000, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on July 3, 2000, allowing the City until October 28, 2000 to negotiate a rail banking agreement with UP.

On October 10, 2000, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 12, 2000, allowing the City until April 26, 2000 to negotiate a rail banking agreement with UP.

On April 11, 2001, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 24, 2001, allowing the City until October 23, 2001 to negotiate a rail banking agreement with UP.

On October 22, 2001, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension.

The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 30, 2001, allowing the City until April 21, 2001 to negotiate a rail banking agreement with UP.

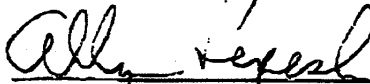
On April 19, 2002, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 26, 2002, allowing the City until October 18, 2002 to negotiate a rail banking agreement with UP.

The City and UP have a tentative agreement but more time is needed to reach a final agreement.

MOTION

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Clyman Branch, extending from the end of the line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI, for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the City of Fort Atkinson.

Respectfully submitted this 1st day of October, 2002,



Allyn Lepeska, State Bar No. 1013474
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 115-B
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-0253
Attorney for Wisconsin Department of
Transportation

**UNION PACIFIC RAILROAD COMPANY
FACSIMILE TRANSMISSION**



Law Department
Suite 1920

101 North Wacker Drive
Chicago, IL 60606

Deliver to: Vernon Williams
ATTN: Ann Newman

Co./Dept: Surface Transportation Board

Fax No: 202/565-9002

Date: October 10, 2002

From: Mack H. Shumate, Jr.
Senior General Attorney

Phone: 312/777-2055

No. of Pages Transmitted 5 + Cover

COMMENTS:

RE: Docket No. AB-33 (Sub-No. 126X)

Transmitting From

Fax No. (312)777-2065
(312)777-2041

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